

In most of these cases, local law enforcement confiscated the passports of the accused criminals and set bail at thresholds the individuals were unlikely to be able to pay themselves. Yet we now know that many of these individuals somehow made bail and quickly received the resources and travel documents necessary to board a plane and leave, only to resurface in Saudi Arabia.

How did they leave the country without a passport?

Based on this evidence, it appears that the Saudi Government was assisting their citizens in evading prosecution in the United States.

I repeatedly pressed Customs and Border Protection, the U.S. Marshals Service, the Federal Bureau of Investigation, and the State Department to explain what they knew about this pattern of cases. Despite all my efforts to get some answers, the Trump administration failed to even acknowledge the disturbing pattern or explain what, if anything, was being done to stop it.

That is why, in 2019, I authored and got passed a law to declassify an FBI report on this issue. The FBI report contended that the Saudis were assisting fugitives, and they would not stop whisking away criminals until “the U.S. Government directly addresses this issue with the Kingdom of Saudi Arabia and ties U.S. cooperation on KSA priorities to ceasing this activity.”

So, in a sentence, you have foreign nationals in our country facing the most serious criminal charges and our supposed Saudi ally helping its citizens flee the American justice system. That is a disgrace, and, in my view, it demanded action.

Once President Biden was sworn in, his administration assured me that American diplomats in Riyadh had raised this issue with Saudi officials at the highest level, but that was just the start. The State Department further pledged to me that it is acting to put in place a new policy named for Fallon Smart that would revoke visas “in cases where a foreign official has provided concerning forms of assistance to foreign nationals in evading prosecution in the United States by absconding from the United States.”

This Fallon Smart rule came after I put a hold on Michael Ratney’s nomination to serve as U.S. Ambassador to Saudi Arabia. I did it to raise the profile of this issue and get commitments from the State Department. I lifted my hold on that nomination, and Mr. Ratney has been confirmed. I want to thank Secretary Blinken for agreeing to take concrete actions that are going to deter other foreign officials from assisting fugitives on American soil.

I plan to watchdog the State Department’s implementation of the new policy to ensure there is real accountability for foreign officials who prevented justice from being carried out in the manslaughter of Fallon Smart and other horrendous crimes across the country.

There is no way to bring Fallon Smart back to her family and no punishment to heal the family’s grief and loss, but today is a good day on the march to justice for Fallon Smart and so many others. The Fallon Smart rule sends a strong message that there is no place in our country for foreign officials who help criminal suspects evade the law, and I am going to continue to bird-dog this, closely watching the administration to make sure it enforces the Fallon Smart rule whenever there is evidence that foreign diplomats are undermining the American justice system.

I promised never to be silent whenever Saudi Arabia tries to cleanse its blood-stained hands in the fight for U.S. justice in the hit-and-run death of Fallon Smart. Her death at the hands of a Saudi national on Hawthorne Boulevard in Southeast Portland—near our home—must never be forgotten, and I can tell you the work to hold the Saudi officials accountable in this case will not ever be forgotten.

Unfortunately, despite all the progress in achieving the Fallon Smart rule, some Federal bureaucrats in this administration continue to defer to the interests of dictators in the Middle East. That callous attitude by Federal immigration officials has had devastating impact at home in Oregon for two people who have done everything right to contribute to their adopted communities.

The names of these two standout Oregonians are Matar Matar and his wife Dr. Amal Alyusuf, and the saga of this couple’s unconscionable wait for asylum has also been detailed by in-depth reporting in *The Oregonian* newspaper.

The couple’s appeal for asylum began more than a decade ago. Matar was the youngest member of Bahrain’s Parliament and had been jailed and tortured for weeks on end by Saudi-led security forces. The couple fled with their children to the United States for refuge and applied in good faith for asylum. More than 10 years later, their case somehow remains “pending” in America.

Our country, of course, has always taken great pride in providing refuge for people fleeing the worst abuses in their native countries. It is a path to freedom that the Wyden family knows more than a little about. My parents fled the Nazis in the thirties for safety in America. I am the proud first-generation son of those refugees, both of whom worked every day to contribute to our country.

As has been well documented in *The Oregonian*, this Bahraini couple is doing the same thing in Oregon as my parents and uncoupled millions of immigrants have done for centuries here; namely, this couple is making every available effort, while raising their three children, to make their new communities even better places to live and work. Matar works for the Willamette Dental Group in Portland, and Dr. Alyusuf provides essential healthcare

in rural Oregon, practicing as a physician in Douglas County.

Yet my office has run into a bureaucratic morass again and again from unresponsive immigration officials closing their eyes and ears to all the evidence of how this exemplary Oregon family is owed better. So just as I pledged to seek justice for Fallon Smart and to make sure this administration follows the Fallon Smart rule, I am, today, putting this administration on notice that I will be just as dogged in pursuing a just solution for this Bahraini family.

Simply put, this family should not have to endure this brutal limbo of more than 10 years waiting to know that it can continue contributing to a better Oregon, free of fear from deportation at a moment’s notice. And I intend to be relentless in helping this family, as we did with Fallon Smart, achieve the security and justice that they so deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

SEMICONDUCTORS

Mr. CORNYN. Mr. President, over the past few decades, the United States has experienced a steady drop in domestic semiconductor manufacturing. Now, I guess we all might be forgiven for not being experts in what advanced microcircuits are all about, but the truth is these microcircuits, or semiconductors, are part of our everyday lives in ways that perhaps we don’t fully appreciate. Everything from your smartphone to the most advanced weapons that we are providing to Ukraine to defeat Russian aggression, to the Joint Strike Fighter, the F-35—all of these require a large number of these mini-circuit processors, or semiconductors.

Well, over these last few decades, we have gone from producing 37 percent of the world’s chips in 1990 to just 12 percent today. In other words, we are more dependent than ever on supply chains of semiconductors in order to keep our economy going and to defend ourselves from a national security perspective.

This, obviously, is a concerning trend, and one of the things we have learned about during COVID is this idea of globalization, that just because somebody can make something cheaper—in China, let’s say—than in the United States, that that answered all the questions, that that checked all the boxes.

Well, you might say the same thing about Europe’s dependency on Russian oil and gas when, once Mr. Putin decided to invade Ukraine, they realized they were the captive of the Russian Federation when it came to their basic energy needs. Well, the same thing is happening in other places, including semiconductors.

Thirty years ago, China manufactured none of the world’s chips, but today it commands nearly a quarter of the global market. And just off the

coast of mainland China, you will find a global powerhouse when it comes to chip making: Taiwan. Taiwan manufactures 92 percent of the most advanced semiconductors in the world, and given China's aggressive threats against Taiwan, that is a blinking red light.

But just like the Europeans found that it is going to take a while for them to diversify their energy sources from Russia, it is going to take a while for us to get diversity in sources so that we don't only rely on imported chips from the Far East. For a long time, this has been recognized as a problem and, of course, people said: Well, something needs to be done. But that "something" wasn't at the top of everyone's priority list.

But then, of course, the pandemic hit, as I said, and we found ourselves dependent on everything from masks, or personal protective equipment, which was all made in China, and we couldn't get it when we needed it when the pandemic hit. And now we have become more aware of our vulnerabilities when it comes to these supply chains.

My constituents in Texas and, I am sure, those in Michigan and New Jersey and elsewhere were shocked to see empty car lots, for example, because of backorders of semiconductors. Because of the disrupted supply chain, they couldn't even make cars, which are, of course, more and more dependent upon these microelectronics. Suddenly, consumers who have never needed to know what a semiconductor was found themselves impacted by this global shortage.

So, in many ways, this was a wake-up call that we didn't even know we needed, and it is not the last. If you start looking around at other things like rare Earth elements, things like the active ingredients in pharmaceuticals, we are dependent on China to produce those, and that is another vulnerability we need to address.

But if China were to act on its threats to invade Taiwan and block the world's access to these advanced semiconductors, empty car lots would be the least of our worries.

Without chips, we wouldn't be able to maintain the energy grid or communications systems. We can't build rocket interceptors, or, as I said, F-35s for our military. And our national security missions would take a hit, both on the ground and in cyber space. So, clearly, the time had come to make advanced chip manufacturing in America a top priority.

In June of 2020, Senator WARNER—the senior Senator from Virginia—and I introduced the CHIPS for America Act to incentivize chipmakers to build or expand their operations here in America. Given the significance of this effort to our national security, the Senate adopted this bill as an amendment to the National Defense Authorization Act with overwhelming bipartisan support—a vote of 96 to 4. Six months after it was introduced, the CHIPS for America Act became law. And a year

and a half later, it was fully funded by the bipartisan CHIPS and Science Act.

So it took a little over 2 years from the time Senator WARNER and I introduced the legislation until it was finally authorized. And it is going to take another couple of years before the funding that we provided is granted by the Commerce Department to incentivize that manufacturing here.

But as in so many other areas—permitting snafus, bureaucratic delays—it is going to be a while before we can totally relieve our dependence on imported semiconductor supply chains. This ought to be a wakeup call, as I said, again, to our other dependencies, one that had been nurtured by the People's Republic of China and where they have actively undermined development of diverse alternatives in other parts of the world, from friendly countries and from the United States itself.

Well, 2 years is a long time from a bill being filed until it becomes law. But that is actually not an unusual pace. It takes a while for this body to act. And we are not known for our speed. So the fact that we were able to stand up the CHIPS Program and fully fund it officially shows how critical this investment is and how a bipartisan consensus believed that time was not on our side, and we needed to act without delay.

Well, despite bipartisan support for the CHIPS Program, it has not been immune from criticism. Some have criticized it as industrial policy, even comparing it to the Chinese Communist Party's intervention in the China economy. But there is a big difference between propping up favored industries in order to protect your domestic industries, as China does. There is a big difference between that and safeguarding an essential supply chain that is vital to our economy and our national security.

One of Congress's most fundamental responsibilities is to provide for the common defense. Traditionally, it involves timely Defense bills and appropriations, but we no longer live in a world where those tasks alone can cut it.

Authorizing the manufacture and purchase of new F-35s, the most advanced stealth Joint Strike Fighter in America's Air Force—authorizing that or appropriating the money for that is meaningless if we don't have the electronics we need in order to manufacture them, including semiconductors. Supporting the development of artificial intelligence or quantum computing or 5G is useless if we can't get access to the technology we need.

So we no longer have the luxury of endless supplies of chips. And we have to adjust accordingly. And the CHIPS Program is just one way that we have done that.

From the beginning of this process, I have had the pleasure of working closely with Commerce Secretary Gina Raimondo to ensure Congress and the administration are on the same page.

And by and large, we are. I congratulate Secretary Raimondo for the great work she and her team at the Commerce Department have done. And they have been good partners in the actual passage of the CHIPS and Science Act.

But I am concerned—and I have communicated that to her—about some of the components of the application guidance the Commerce Department released last month. The Department outlined the application process from eligibility to timelines. It provided details about the types of incentives available and the way they could be used. And it laid out extensive information applicants must provide; for example, a detailed financial model for proposed projects and clear execution plans.

So far so good. The Department needs to understand the viability and lasting impact of each of these projects before awarding these financial incentives—again, to bringing that manufacturing back to America's shores. That is how we ensure each project will benefit our national security, which was the main purpose of the legislation.

But Commerce laid out additional requirements that have nothing to do with that goal or congressional intent. One example is the childcare mandate. So who could be against a childcare mandate? Well, my fear is that this is just the beginning of unauthorized additional requirements that the Biden administration is going to impose for people to be able to compete for the grant funding.

The Department of Commerce said it requires applicants who request funding over specific amounts to provide a plan for access to childcare. These requirements were not in the statute. That wasn't even part of our congressional debate.

And as a practical matter, I am pretty confident that these sophisticated companies are going to provide a generous package of incentives to their future workforce, including, probably, childcare.

But even the New York Times, when they saw these extra requirements, described these strings as "ambitious and unusual." If a company wants to offer childcare to its employees, if it needs to do so in order to compete for the kind of workforce that it wants, that is great, and many semiconductor companies already do so.

The market for highly skilled employees is extremely competitive, and companies recognize that they need to offer benefits to attract the best candidates. That is the beauty of the free market.

But if the Commerce Department wants to consider that information when we are reviewing applications, that is fine. But there is a big difference between taking it into consideration and mandating it.

We know that some of the debate here on Capitol Hill about childcare—we have been down this road before—some in this Chamber would like to

outlaw faith-based organizations from providing that childcare or require that if they are going to take the Federal money, that they are going to have to hire a workforce that doesn't believe in the same things they do.

That is how we go from what seems to be a relatively innocuous requirement into big trouble and into the executive branch trying to legislate new requirements that are not part of the underlying legislation.

Recent reporting indicates that companies of all types are preparing to make the play for CHIPS funding. This isn't limited to chips manufacturers. We are talking to every industry under the Sun—so-called ecosystem built around these fabs or manufacturing facilities.

The director of general economics at the Cato Institute explained why companies that don't make chips could be making a play for funding. Well, for one thing, I think it should be obvious that people are attracted to the opportunity of qualifying for these grants for this funding. But the director of general economics at Cato pointed to the Commerce Department's unrelated requirements as a suggestion that the administration isn't prioritizing national security. In other words, this should not be a Trojan horse to pass other policy priorities under the guise of protecting our national security.

And we don't want other, perhaps even more concerning, requirements to be added which were not part of the legislation that Congress passed or part of legislative intent.

Companies that do not manufacture chips now believe they have a shot at funding as long as they meet the other unrelated requirements. I want to be absolutely clear that that cannot be the case. In order for the CHIPS Program to succeed—in order to protect our economy and our national security—this needs to be a merit-based application process, with no additional requirements imposed as a condition to receive these grants that was certainly not part of legislative intent or even the debate here in Congress. It should not be used as a Trojan horse to get other policy priorities actually implemented when Congress had no such intent.

So these decisions to make these grants should not depend on relationships with labor unions or any other unrelated factors. It should be based solely on how each project will strengthen our national security and shore up this vulnerable supply chain.

We can't be in a situation where applicants that provide free childcare are favored over those who will do more to strengthen our national security. Again, that is fine if these companies want to do so. And I dare say many, if not all of them, will anyway. But it is a beginning that is concerning because this is a slippery slope to try to shoehorn other policy priorities into something which will actually distract the Commerce Department and the U.S.

Government from doing what needs to be done when it comes to semiconductor manufacturing.

The CHIPS Program received strong bipartisan support and should remain far above the political fray. The ultimate goal is to boost domestic chip manufacturing, and I am glad to say we are beginning to move in the right direction.

Samsung from South Korea, Texas Instruments, and GlobiTech are expanding their footprint in Texas. Taiwanese Semiconductor Manufacturing Company is growing its presence in Arizona; Intel is putting down roots in Ohio; and Micron is expanding in New York. These are just a few of the announcements that have been made so far, and I expect more to come now that the CHIPS Program is up and running.

Texas has already been a leader in the semiconductor industry. And we are cementing that reputation with the addition of new and expanded chip fabs.

Gov. Greg Abbott is pushing to attract even more chip manufacturers to the Lone Star State. He has been working with leaders in the Texas Legislature this session, including Representative Greg Bonnen and Senator Joan Huffman, to help bring new semiconductor businesses to Texas.

The Texas Legislature recently introduced the Texas CHIPS Act, which would support all chip-related activity in the State—from research and development to design and manufacturing.

I appreciate their leadership on this front, and I am eager to see the positive impact of the chips on communities all across our State and, indeed, all across our Nation.

These are just a few of the investments that will support jobs, our economy, and our national security. The CHIPS Program is key to that success, and I hope the administration will avoid attaching controversial and additional requirements that could imperil or impede its success.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Mr. President, I would like to ask consent—I know we have an order to vote at 1:45—to speak for about 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BOOKER pertaining to the introduction of S. 850 and S. 851 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

NOMINATION OF JESSICA G.L. CLARKE

Mr. DURBIN. Mr. President, today, the Senate will vote to confirm Jessica G.L. Clarke to the U.S. District Court for the Southern District of New York.

Born in Akron, OH, Ms. Clarke received her B.A. from Northwestern University in 2001 and earned her J.D. from The Ohio State University Moritz College of Law in 2008. She then clerked for Judge Solomon Oliver, Jr., on the U.S. District Court for the

Southern District of Ohio from 2008 to 2010.

Ms. Clarke began her legal career in 2010, as a trial attorney at the Justice Department's Civil Rights Division in the Housing and Civil Enforcement Section. During her 6 years investigating and litigating civil rights violations, Ms. Clarke gained significant litigation experience, including successfully trying a "first-of-its-kind" housing discrimination case and also securing the largest settlement of its kind in another housing discrimination matter. In 2016, Ms. Clarke went into private practice in New York City for 3 years, focusing on commercial litigation and affirmative civil rights work. Since 2019, she has served as the chief of the Civil Rights Bureau at the New York State Office of the Attorney General, supervising the Bureau's attorneys and staff in enforcing Federal, State, and local civil rights laws in New York.

The American Bar Association has unanimously rated Ms. Clarke "qualified" to serve on the Southern District of New York. Senators SCHUMER and GILLIBRAND strongly support her nomination as well.

I will be supporting this outstanding nominee, and I urge all of my colleagues to do the same.

VOTE ON CLARKE NOMINATION

The PRESIDING OFFICER. Under the previous order, the Senate will resume executive session.

The question is, Will the Senate advise and consent to the Clarke nomination?

Ms. HASSAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Pennsylvania (Mr. FETTERMAN), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from North Dakota (Mr. CRAMER), the Senator from Texas (Mr. CRUZ), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Kansas (Mr. MORAN), and the Senator from South Carolina (Mr. SCOTT).

The result was announced—yeas 48, nays 43, as follows:

[Rollcall Vote No. 62 Ex.]

YEAS—48

Baldwin	Duckworth	Lujan
Bennet	Durbin	Manchin
Blumenthal	Gillibrand	Markey
Booker	Hassan	Menendez
Brown	Heinrich	Merkley
Cantwell	Hickenlooper	Murphy
Cardin	Hirono	Murray
Carper	Kaine	Ossoff
Casey	Kelly	Padilla
Coons	King	Peters
Cortez Masto	Klobuchar	Reed